

REMARKS

Claims 1-17 were previously pending in the application. Claims 1-3, 5, 7 and 17 have been canceled without prejudice or disclaimer. New claims 18-25 are added by way of this amendment. Claims 4, 6, 8, and 12-13 are amended herein. Applicant submits that no new matter has been entered by way of this amendment.

Applicant thanks the Examiner for the indication that claims 5-11, 13/5-7 and 14-16 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has herein amended independent claim 4 to include the allowable subject matter of dependent claim 7. Accordingly, Applicant requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim Rejections 35 U.S.C. § 112

Claims 2, 3 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicant submits that claims 2 and 3 have been canceled without prejudice or disclaimer. Further, Applicant has amended claim 12 to remedy the informality in the claim language identified in the Office Action (See, Office Action, page 4). Therefore, Applicant requests withdrawal of this ground of rejections.

Claim Rejections 35 U.S.C. § 102(e)

Claims 1-4, 12, 13/4 and 17 have been rejected under 35 U.S.C. § 102(e), as allegedly being anticipated by Bloom, US Patent No. 6,215,579. Claims 1-3, 7 and 17 have been canceled without prejudice or disclaimer. Claim 4 has been amended to incorporate allowable subject matter from canceled claim 7. Claims 12 and 13 are dependent on amended independent claim 4. Accordingly, Applicant respectfully submits that amended independent claim 4, as well as dependent claims 12 and 13 are patentably distinct from the cited references. Therefore, Applicant requests withdrawal of this ground of rejections.

Further, Applicant submits that new independent claims 18 and 21, as well as the claims directly or indirectly dependent therefrom are patentably distinct from the cited references. By way of example only, the scanning apparatus defined by claim 18 or the image display apparatus defined by claim 21 has “a scanning optical system having a reflection area which reflects and scans a first emerged light emerged from the light modulating element, and a transmission area which transmits a second emerged light emerged in a direction different from that of the first emerged light.” Applicant respectfully submits that none of the cited references teach, disclose or suggest such a scanning optical system having the reflection area reflecting and scanning the light and the transmission area transmitting the light, as recited in new independent claims 18 and 21. Therefore, Applicant submit that claims 18 and 21, as well as the claims directly or indirectly dependent therefrom, are patentably distinct from the cited references.

CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

AUTHORIZATION

Applicant believes that no fees are necessary for the submission of this Preliminary Amendment or accompanying IDS, however, should any fees be due, the Commissioner is hereby authorized to charge any such fees which may be required for this Preliminary Amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4673.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By: Daniel C. Sheridan
Daniel C. Sheridan
Registration No. 53,585

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile